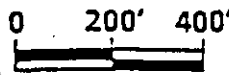


COUNTY OF HENRICO PLANNING OFFICE

SINGLE FAMILY / TOWNHOUSES

83-AI-5, 32 PT.49
TUCKAHOE DISTRICT

C-68C-90



JAS

® 2AB



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

October 28, 1993

Re: Conditional Rezoning Case C-68C-90

Mr. Arthur E. Havens, Jr.
9020 Quioccasin Road, Suite J
Richmond, Virginia 23233

Dear Mr. Havens:

The Board of Supervisors at its meeting on October 27, granted your request to conditionally rezone property from R-3 One Family Residence District to R-3C One Family Residence District (Conditional), Parcels 83-A1-5, 32 and Part of Parcel 83-A1-49, described as follows:

Beginning at a point on the W. line of Zionsville Road, approximately 375' south of its intersection with the S. line of Ridge Road; thence S. $28^{\circ} 48' 53''$ W., 143.26' to a point; thence N. $61^{\circ} 11' 7''$ W., 137.57' to a point; thence S. $28^{\circ} 48' 53''$ W., 70.97' to a point; thence S. $52^{\circ} 5' 2''$ E., 132.34' to a point; thence along the arc of a curve to the west having a radius of 547.96', 238.12' to a point; thence S. $62^{\circ} 48' 53''$ W., 46.40' to a point; thence along the arc of a curve to the west having a radius of 597.96', 257.66' to a point; thence N. $58^{\circ} 59' 00''$ W., 405.33' to a point; thence N. $30^{\circ} 22' 00''$ E., 67.00' to a point; thence N. $52^{\circ} 00' 00''$ W., 279.80' to a point; thence N. $29^{\circ} 32' 30''$ E., 146.14' to a point; thence S. $61^{\circ} 51' 00''$ E., 16.00' to a point; thence N. $27^{\circ} 45' 5''$ E., 174.92' to a point; thence S. $66^{\circ} 28' 42''$ E., 182.07' to a point; thence N. $28^{\circ} 34' 51''$ E., 10.00' to a point; thence S. $63^{\circ} 16' 39''$ E., 91.44' to a point; thence N. $26^{\circ} 43' 21''$ E., 290.00' to a point; thence S. $63^{\circ} 16' 39''$ E., 525.58' to a point; thence S. $29^{\circ} 7' 41''$ W., 25.57' to a point; thence S. $42^{\circ} 30' 44''$ E., 96.75' to the point and place of beginning, containing 11.53 acres.

The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance):

1. Minimum Floor Area. Any residence constructed on the Property shall have a minimum of two thousand (2,000) square feet of finished floor area.
2. Architectural Treatment. At least fifty percent (50%) of the residences initially constructed on the Property, in the aggregate, shall have visible exterior wall surfaces (excluding windows, doors, trim and decorative elements) consisting of at least fifty percent (50%) brick. Upon request, an applicant for a building permit shall provide evidence of compliance with the foregoing requirement. The front elevation of each residence constructed on the Property shall be substantially similar in architectural character and treatment to one of the four (4) front elevations shown on drawings prepared by Stuart E. Turner & Sons, Inc. (the "Drawings") attached hereto as Exhibits

A-1 to A-4, (See case file), unless otherwise specifically requested and approved by the Director of Planning at the time of issuance of a building permit therefor. The Director of Planning may allow the construction of residences which differ in architectural character and treatment to the residences shown on the Drawings, if she or he determines, in her or his sole discretion, that such different architectural character and treatment equals or exceeds the quality depicted on the Drawings. Other exterior wall surfaces of such residences shall be architecturally compatible with its front elevation.

3. Foundation Walls and Chimneys. The visible portions of exterior foundation walls and fireplace chimneys shall be of brick construction.
4. Access Limitation. There shall be no direct vehicular access between the Property and September Drive, unless required by any governmental body having jurisdiction with respect thereto.
5. Roadway Improvements. Additional right-of-way (as needed) for Zionsville Road shall be dedicated in conjunction with development of the Property, so as to provide a right-of-way width along the Zionsville Road frontage of the Property up to twenty-five (25) feet from the existing centerline of Zionsville Road. Further, in conjunction with development of the Property, additional pavement and related improvements shall be installed, so as to provide a pavement width of up to eighteen (18) feet from the existing centerline of Zionsville Road, to the Zionsville Road frontage of the Property, as required by the Planning Commission at the time of subdivision review.
6. Underground Utility Lines. If agreeable to the respective utility providers, electric, telephone and cable television lines serving residences constructed on the Property shall be installed underground.
7. Clearing. To the extent reasonably practicable during initial development, the clearing of mature trees on lots shall be limited to trees in areas required to accommodate the residence and its normal and customary accessory uses, open yard areas and those limited areas required to permit utility service and driveways. Trees with a diameter of six (6) inches or more located more than (a) fifteen (15) feet from a proposed house, or (b) five (5) feet from a proposed accessory use, shall be flagged, to discourage negligent damage to such trees during lot clearing and construction.
8. Ownership. Residences constructed on the Property shall be offered for sale by the builder. The intent of this proffered condition is to stipulate that residences shall not be constructed on the Property for the primary intention of offering the residences to the public for rental purposes. Any such residence may be rented by a builder on a temporary basis only, until such time as the residence can be sold in a commercially reasonable manner. This proffer shall not be construed to prevent persons purchasing residences from builders, or their successors or assigns, from leasing residences constructed on the Property.

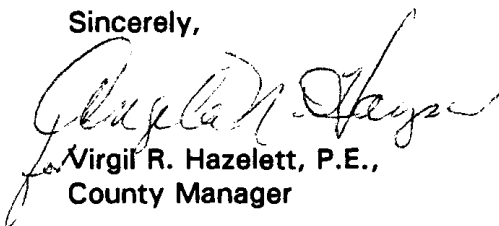
Mr. Arthur E. Havens, Jr.
October 28, 1993

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9. Building Setback. No home shall be constructed within fifty (50) of the southern boundary line of Parcel 84-B1-43 as presently shown on the Henrico County Zoning Maps.

The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.,
County Manager

cc: Clerk, Board of Supervisors
Director, Real Estate Assessment
✓ Conditional Zoning Index
Mr. Jay M. Weinberg, Esquire
Mr. Glenn R. Moore, Esquire

COUNTY OF HENRICO,
VIRGINIA

MEMORANDUM

TO: The Front Counter Team

FROM: John Merrithew

SUBJECT: Conditional Rezoning Case: C-68C-90, Interpretation of Proffer #2:

DATE: May 28, 1997

As promised, I have taken a shot at interpreting the Architectural Treatment proffer of the referenced case. I hope this helps.

Architectural Treatment. At least fifty percent (50%) of the residences initially constructed on the property, in aggregate, shall have visible exterior wall surfaces (excluding windows, doors, trim and decorative elements) consisting of at least fifty percent (50%) brick.

Read this as fifty percent (50%) of all lots in the subdivision. This also means that you may approve BP's for up to fifty percent (50%) of the lots without the mandatory brick before you need to require the brick finish. The applicant should submit a plan or other document with each BP application that illustrates which lots in the subdivision have been issued permits and identifying those with brick walls and those without.

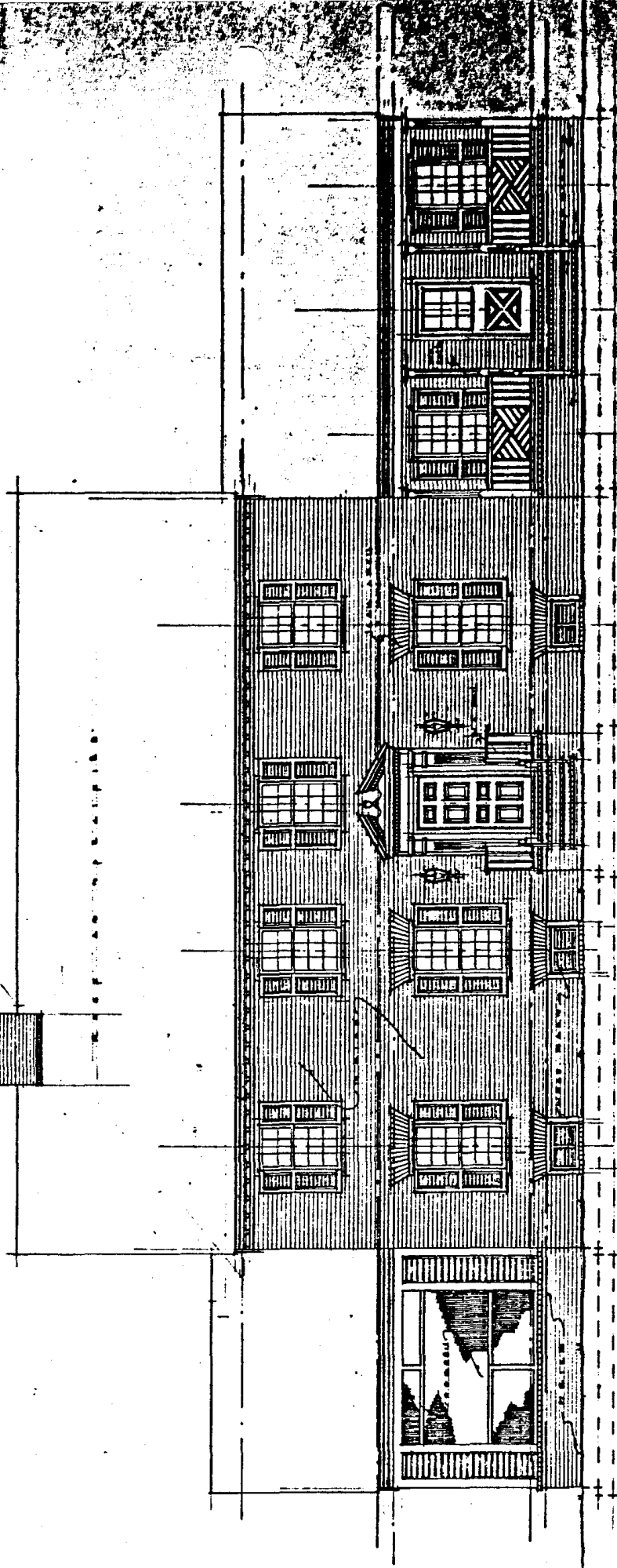
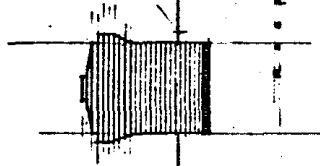
The front elevation of each residence constructed on the Property shall be substantially similar in architectural character and treatment to one of four (4) front elevations...unless specifically requested and approved by the Director of Planning...Other exterior wall surfaces of such residences shall be architecturally compatible with its front elevation.

In looking at the four exhibits, the major features are the traditional (colonial or federal) style, two story construction, use of dormers in two of the models, a traditional roof style, window treatments, pitched roof and traditional chimney. I notice there are no porches and that the entrances are simply small stoops. This may be a problem in the future but I believe Angela will have to approve a country porch. The sun room or garage additions are not critical to maintaining architectural character and do not necessarily have to be part of a residence. The reference to architectural treatment suggests materials and trim work but there are no specific descriptions for either. All walls have to be finished with a combination of the same materials (though not an identical combination) and similar window and trim treatments.

If all else fails, Angela can approve a different product if she finds the quality to be the same or better than that shown on the exhibits. If the need arises, I will prepare a letter for her signature that can be attached to the BP file indicating her determination.

Good luck.


John Merrithew



F R O N T . E L E V A T I O N .

Scale 1/4" = 1'-0"

Accepted by the B of S as a
part of proffer #2 - approved
on 10-27-93.

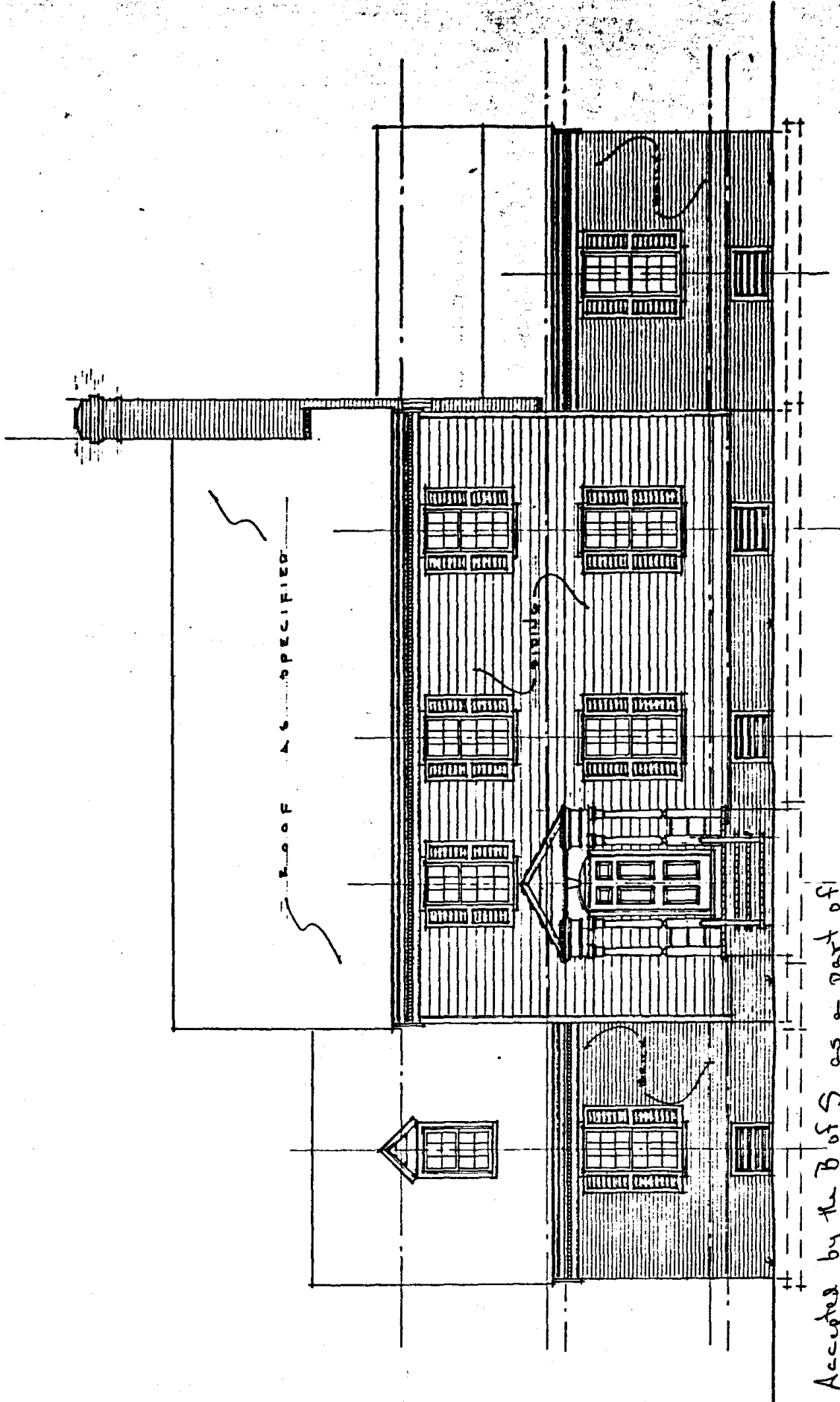
THIS PLAN COMPLIES WITH ALL CITY, COUNTY, STATE AND FEDERAL REQUIREMENTS, IN ACCORDANCE WITH THE BUILDING CODES OF THE CITY OF ST. LOUIS, MISSOURI, AND THE STATE OF MISSOURI, AND THE FEDERAL REQUIREMENTS OF THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AS APPLICABLE.

ST STUART E. TURNER & SONS, INC.
ARCHITECTS
1000 MARKET STREET
ST. LOUIS, MISSOURI 63101

DATE: _____

Exhibit A-1

C-68C-90



ROOF AS SPECIFIED

SIDING

Accepted by the B of S as a part of
proffer #2 - approved on 10-27-93.

d-68c-90

FRONT ELEVATION

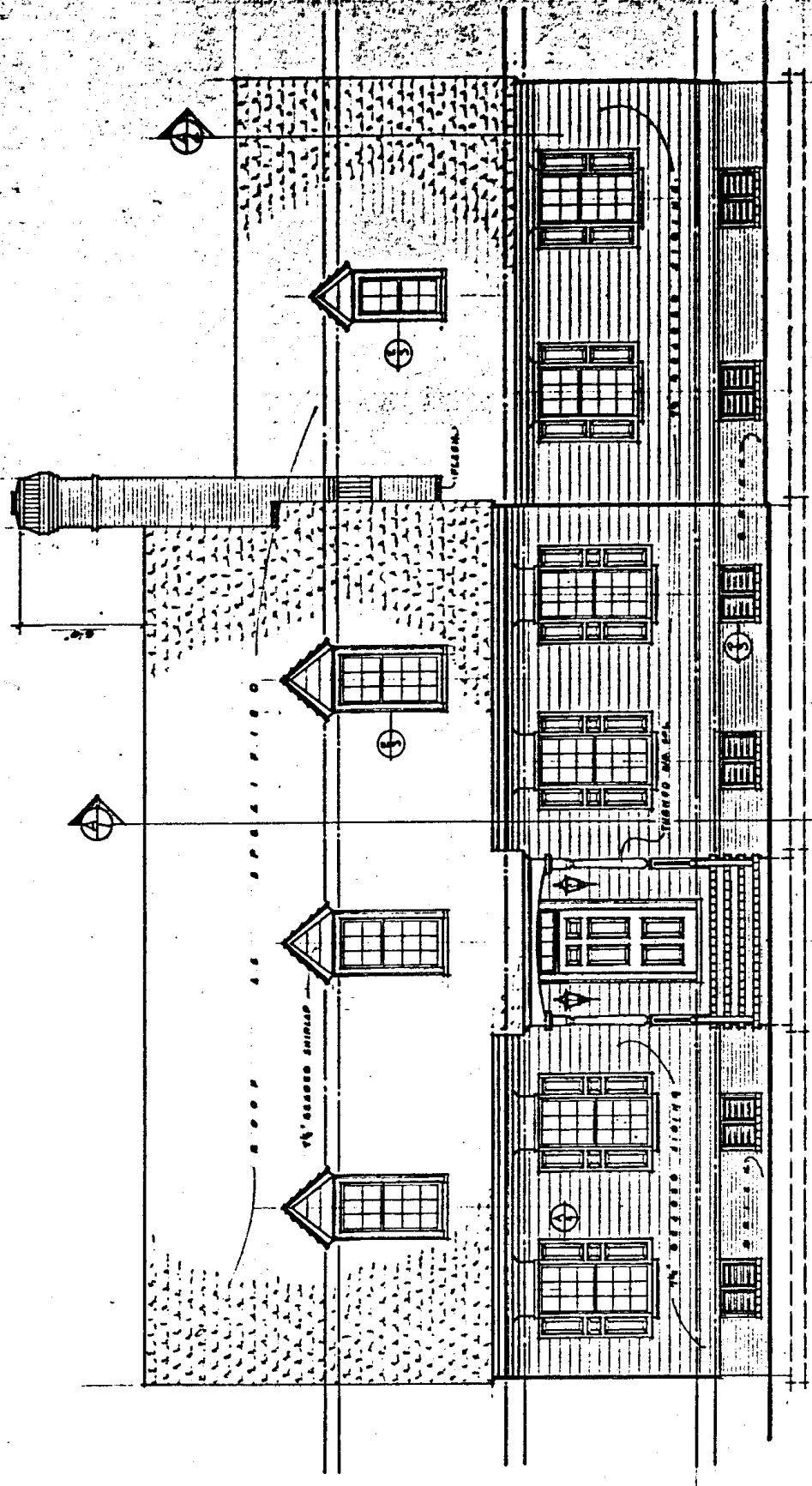
Sheet A-2

SCALE 1/4" = 1'-0"

ELEV. 'B'

ELEV. 'C'

ELEV. 'D'

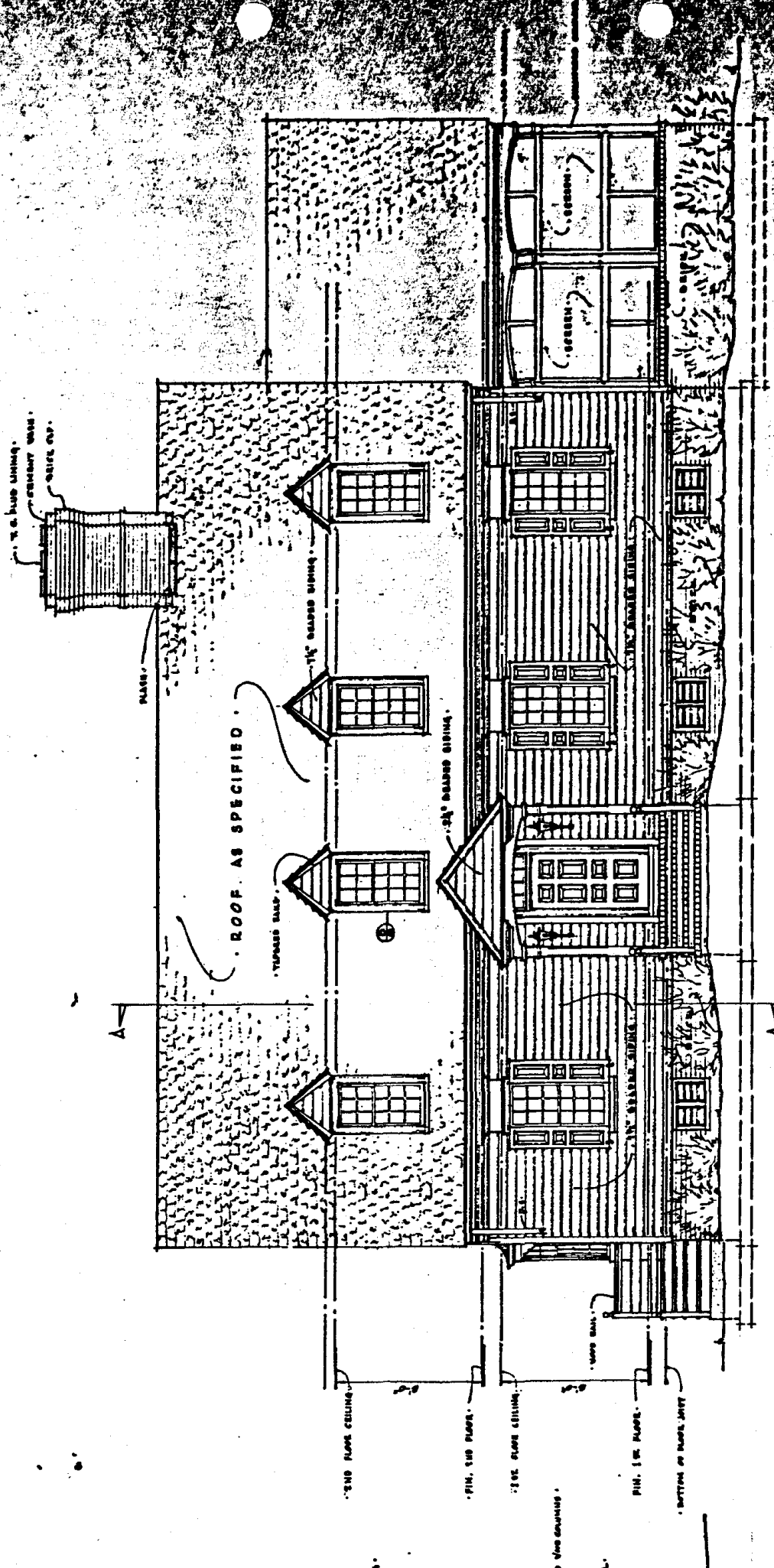


FRONT ELEVATION

Accepted by the B of S as a part of
 Proffer #2 - approved on 10-27-93.

C-68C-90

Exhibit A-3



C-68c-90

Accepted by the B of S as a part of
 Proffer #2 - approved on 10-27-93.
 FRONT ELEVATION

SCALE: 1/4" = 1'-0"

Exhibit A-4